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ATTENTION OF KAREN A. FITZSIMMONS
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AUG 2 5 2004

OFFICE OF PETITIONS

In re Application of :
John E. Fox et al :DECISION GRANTING FILING
Application No. 10/776,042 :DATE OF February 10, 2004
Filed: February 10, 2004 :
Attorney Docket No. 12742.8USC1 :

This is a decision on the petition filed July 15, 2004, requesting that the above-identified application be accorded a filing date of February 10, 2004 rather than the presently accorded date of February 9, 2004.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on February 10, 2004 pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of Express Mail Label No. EL 976595193US showing a stamped date of February 10, 2004. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal." Additionally, the other available evidence, the Internet USPS Express Mail Tracking and Delivery Confirmation, discloses that the package was deposited on February 10, 2004.

In view of the USPS receipt stamp of February 10, 1004, appearing on the same Express Mail label number as shown on the transmittal for the instant application, it is concluded that the application was deposited as "Express Mail" with the USPS on February 10, 2004.

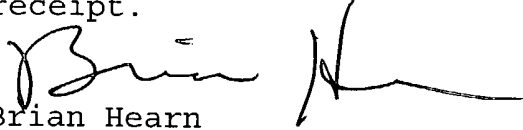
The petition is granted.

Telephone inquiries specific to this decision on petition should be directed to Karen Creasy at (703) 305-8859.

Application No. 10/776,042

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This application is being referred to the Office of Initial Patent Examination for processing with a **filing date of February 10, 2004**, and for mailing of a corrected filing receipt.

A handwritten signature in black ink, appearing to read "Brian Hearn", with a long horizontal flourish extending to the right.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy